



FAQ Number: 1643

Date Published: June 11, 2010

Last Updated: June 11, 2010

Question: How will DHS protect the data it collects?

Answer:

Authorized by Section 550 of Public Law 109-295 to protect from inappropriate public disclosure any information developed or submitted pursuant to Section 550 (e.g., Top-Screen, SVA, SSP). This included information that is developed and/or submitted to DHS pursuant to the Chemical facility Anti-Terrorism Standards (CFATS) regulation which implements Section 550.

Specifically, the IFR requires that this and related information - what the IFR calls Chemical-terrorism Vulnerability Information, or "CVI" - shall be protected from public disclosure. At the same time, the IFR makes clear that CVI will be shared with state and local officials, including law enforcement officials and first responders, as appropriate. For example, it is expected that chemical facilities will coordinate extensively with State and local officials - including the sharing of relevant CVI - in the course of completing the Site Security Plans (SSPs). The IFR also sets forth requirements concerning how the information must be marked and protected.

The Act requires additional protections over the disclosure of CVI in the course of any administrative or judicial proceedings. In these circumstances, CVI will be protected as if the information were classified. Individuals who do not otherwise have a "need to know" CVI will not be able to gain access to it through litigation.

Compliance with the requirements in 6 CFR § 27.400 and familiarity with the guidance in the CVI Procedural Manual will help DHS, chemical facilities and other covered persons ensure that sensitive information about the Nation's high-risk chemical facilities is safeguarded.